

AMENDED IN SENATE MAY 31, 2016

AMENDED IN SENATE APRIL 6, 2016

SENATE BILL

No. 1375

Introduced by Senator Jackson

February 19, 2016

An act to amend Section 48980 of, and to add Section 221.61 to, to the Education Code, relating to educational equity.

LEGISLATIVE COUNSEL'S DIGEST

SB 1375, as amended, Jackson. Educational equity: sex equity in education: federal Title IX notifications.

Existing law, the Sex Equity in Education Act, states the policy of the state that elementary and secondary school classes and courses, including nonacademic and elective classes and courses, be conducted without regard to the sex of the pupil enrolled in these classes or courses. Existing federal law, known as Title IX, prohibits a person, on the basis of sex, from being excluded from participation in, being denied the benefits of, or being subject to discrimination under, any education program or activity receiving federal financial assistance. Existing law requires the governing board of a school district, at the beginning of the first semester or quarter of each school year, to notify parents or guardians of minor pupils of specified rights and responsibilities of the parent or guardian and of specified school district policies and procedures.

This bill would require, on or before July 1, 2017, all public schools, private schools that receive federal funds and are subject to the requirements of Title IX, school districts, county offices of education, and charter schools to post in a prominent and conspicuous location on their Internet Web sites specified information relating to Title IX. The

~~bill would require that same information to be included in the yearly notification sent by the governing board of a school district to parents and guardians of minor pupils. The bill would require the Superintendent of Public Instruction to annually send a letter through electronic means to all public schools, private schools that receive federal funds and are subject to the requirements of Title IX, school districts, county offices of education, and charter schools informing them of the new requirement that would be created by this bill and of their responsibilities under Title IX. Because the bill would impose additional duties on public schools, school districts, county offices of education, and charter schools, and governing boards of school districts, the bill would impose a state-mandated local program.~~

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) The goal of Title IX of the Education Amendments of 1972
- 4 (20 U.S.C. Sec. 1681 et seq.) is to provide greater levels of gender
- 5 equity in schools. The results have been higher enrollment in
- 6 colleges and universities, increased numbers of graduate degrees
- 7 in science and mathematics, increased participation in athletics,
- 8 and fairer treatment in cases of sexual and gender harassment.
- 9 These benefits not only lead to higher self-esteem and enhanced
- 10 leadership skills, but also to higher rates of graduation and greater
- 11 levels of career success. Title IX was approved in 1972, yet
- 12 noncompliance with its requirements is still problematic.
- 13 (b) Title IX addresses 10 key areas: Access to Higher Education,
- 14 Athletics, Career Education, Education for Pregnant and Parenting
- 15 Students, Employment, Learning Environment, Mathematics and

1 Science, Sexual Harassment, Standardized Testing, and
2 Technology.

3 (c) On January 20, 2015, the Senate Judiciary Committee held
4 an informational hearing entitled “Attaining Equal Opportunity
5 for Girls in California’s Secondary Schools: How our Schools are
6 Complying with Title IX.” During the hearing, the committee
7 heard from the United States Department of Education Office for
8 Civil Rights and the State Department of Education.

9 (d) As demonstrated by testimony provided during the
10 informational hearing, school districts are often unaware that Title
11 IX requires them to do the following:

12 (1) Appoint a Title IX coordinator at both the district and school
13 levels who is responsible for coordinating the school and school
14 district’s Title IX compliance. The coordinator should not have
15 other responsibilities that create a conflict of interest with his or
16 her role as coordinator.

17 (2) Adopt and publish rules and procedures on how to receive,
18 investigate, and respond to a complaint filed under Title IX.

19 (3) Notify all pupils, parents and guardians of pupils, and school
20 staff of their rights under Title IX.

21 (e) A 2015 American Civil Liberties Union (ACLU) of
22 California report found widespread unawareness among pupils
23 and school administrators of the rights of pregnant and parenting
24 pupils, including an extremely limited knowledge that pregnant
25 pupils and those recovering from childbirth and related medical
26 conditions are entitled to services available to other pupils with
27 temporary medical conditions.

28 (f) The ACLU report found that only 4 percent of school districts
29 surveyed included “parenting” status within the list of categories
30 in the nondiscrimination board policy, 25 percent of pupil survey
31 respondents indicated that they had been restricted from
32 participating in an extracurricular activity, such as physical
33 education or a sport, due to their pregnancy status, and 13 percent
34 of pupil survey respondents said that they were required by their
35 school district to move to an alternative or continuation school as
36 a result of their pregnancy despite the law requiring that enrollment
37 in separate programs for parenting pupils be strictly voluntary.

38 (g) Since Title IX was passed 44 years ago, it has been the
39 subject of over 20 proposed amendments, reviews, Supreme Court
40 cases, and other political actions. It is a living, breathing law that

1 benefits countless women and girls. The lack of knowledge of and
2 training on Title IX harms pupils.

3 SEC. 2. Section 221.61 is added to the Education Code,
4 immediately following Section 221.6, to read:

5 221.61. (a) On or before July 1, 2017, public schools, private
6 schools that receive federal funds and are subject to the
7 requirements of Title IX, school districts, county offices of
8 education, and charter schools shall post in a prominent and
9 conspicuous location on their Internet Web sites all of the
10 following:

11 (1) The name and contact information of the Title IX coordinator
12 for that public school, private school, school district, county office
13 of education, or charter school, which shall include the Title IX
14 coordinator's phone number and email address.

15 (2) The rights of a pupil and the public and the responsibilities
16 of the public school, private school, school district, county office
17 of education, or charter school under Title IX, which shall include,
18 but shall not be limited to, Internet Web links to information about
19 those rights and responsibilities located on the Internet Web sites
20 of the department's Office for Equal Opportunity and the United
21 States Department of Education Office of Civil Rights, and the
22 list of rights specified in Section 221.8.

23 (3) A description of how to file a complaint under Title IX,
24 which shall include all of the following:

25 (A) An explanation of the statute of limitations within which a
26 complaint must be filed after an alleged incident of discrimination
27 has occurred, and how a complaint may be filed beyond the statute
28 of limitations.

29 (B) An explanation of how the complaint will be investigated
30 and how the complainant may further pursue the complaint,
31 including, but not limited to, Internet Web links to this information
32 on the United States Department of Education Office for Civil
33 Rights' Internet Web site.

34 (C) An Internet Web link to the United States Department of
35 Education Office for Civil Rights complaints form, and the contact
36 information for the office, which shall include the phone number
37 and email address for the office.

38 (b) On or before April 1, 2017, and annually thereafter, the
39 Superintendent shall send a letter through electronic means to all
40 public schools, private schools that receive federal funds and are

1 subject to the requirements of Title IX, school districts, county
2 offices of education, and charter schools informing them of the
3 requirement specified in subdivision (a) and of their responsibilities
4 under Title IX.

5 ~~SEC. 3. Section 48980 of the Education Code is amended to~~
6 ~~read:~~

7 ~~48980. (a) At the beginning of the first semester or quarter of~~
8 ~~the regular school term, the governing board of each school district~~
9 ~~shall notify the parent or guardian of a minor pupil regarding the~~
10 ~~right or responsibility of the parent or guardian under Sections~~
11 ~~35291, 46014, 48205, 48207, 48208, 49403, 49423, 49451, 49472,~~
12 ~~and 51938 and Chapter 2.3 (commencing with Section 32255) of~~
13 ~~Part 19 of Division 1 of Title 1.~~

14 ~~(b) The notification also shall advise the parent or guardian of~~
15 ~~the availability of individualized instruction as prescribed by~~
16 ~~Section 48206.3, and of the program prescribed by Article 9~~
17 ~~(commencing with Section 49510) of Chapter 9.~~

18 ~~(c) The notification also shall advise the parents and guardians~~
19 ~~of all pupils attending a school within the school district of the~~
20 ~~schedule of minimum days and pupil-free staff development days;~~
21 ~~and if minimum or pupil-free staff development days are scheduled~~
22 ~~thereafter, the governing board of the school district shall notify~~
23 ~~parents and guardians of the affected pupils as early as possible;~~
24 ~~but not later than one month before the scheduled minimum or~~
25 ~~pupil-free day.~~

26 ~~(d) The notification also may advise the parent or guardian of~~
27 ~~the importance of investing for future college or university~~
28 ~~education for their children and of considering appropriate~~
29 ~~investment options, including, but not limited to, United States~~
30 ~~savings bonds.~~

31 ~~(e) The notification shall advise the parent or guardian of the~~
32 ~~pupil that each pupil completing grade 12 is required to~~
33 ~~succcessfully pass the high school exit examination administered~~
34 ~~pursuant to Chapter 9 (commencing with Section 60850) of Part~~
35 ~~33. The notification shall include, at a minimum, the date of the~~
36 ~~examination and the requirements for passing the examination,~~
37 ~~and shall inform the parents and guardians regarding the~~
38 ~~consequences of not passing the examination and shall inform~~
39 ~~parents and guardians that passing the examination is a condition~~
40 ~~of graduation.~~

~~(f) Each school district that elects to provide a fingerprinting program pursuant to Article 10 (commencing with Section 32390) of Chapter 3 of Part 19 of Division 1 of Title 1 shall inform parents or guardians of the program as specified in Section 32390.~~

~~(g) The notification also shall include a copy of the written policy of the school district on sexual harassment established pursuant to Section 231.5, as it relates to pupils.~~

~~(h) The notification shall advise the parent or guardian of all existing statutory attendance options and local attendance options available in the school district. This notification component shall include all options for meeting residency requirements for school attendance, programmatic options offered within the local attendance areas, and any special programmatic options available on both an interdistrict and intradistrict basis. This notification component also shall include a description of all options, a description of the procedure for application for alternative attendance areas or programs, an application form from the school district for requesting a change of attendance, and a description of the appeals process available, if any, for a parent or guardian denied a change of attendance. The notification component also shall include an explanation of the existing statutory attendance options, including, but not limited to, those available under Section 35160.5, Chapter 5 (commencing with Section 46600) of Part 26, and subdivision (b) of Section 48204. The department shall produce this portion of the notification and shall distribute it to all school districts.~~

~~(i) It is the intent of the Legislature that the governing board of each school district annually review the enrollment options available to the pupils within its district and that the school districts strive to make available enrollment options that meet the diverse needs, potential, and interests of the pupils of California.~~

~~(j) The notification shall advise the parent or guardian that a pupil shall not have his or her grade reduced or lose academic credit for any absence or absences excused pursuant to Section 48205 if missed assignments and tests that can reasonably be provided are satisfactorily completed within a reasonable period of time, and shall include the full text of Section 48205.~~

~~(k) The notification shall advise the parent or guardian of the availability of state funds to cover the costs of advanced placement examination fees pursuant to Section 52242.~~

1 ~~(l) The notification to the parent or guardian of a minor pupil~~
2 ~~enrolled in any of grades 9 to 12, inclusive, also shall include the~~
3 ~~information required pursuant to Section 51229.~~

4 ~~(m) If a school district elects to allow a career technical~~
5 ~~education course to satisfy the requirement imposed by~~
6 ~~subparagraph (E) of paragraph (1) of subdivision (a) of Section~~
7 ~~51225.3, the school district shall include, in the notification~~
8 ~~required pursuant to this section, both of the following:~~

9 ~~(1) Information about the high school graduation requirements~~
10 ~~of the school district and how each requirement satisfies or does~~
11 ~~not satisfy the subject matter requirements for admission to the~~
12 ~~California State University and the University of California.~~

13 ~~(2) A complete list of career technical education courses offered~~
14 ~~by the school district that satisfy the subject matter requirements~~
15 ~~for admission to the California State University and the University~~
16 ~~of California, and which of the specific college admission~~
17 ~~requirements these courses satisfy.~~

18 ~~(n) The notification shall include the information specified in~~
19 ~~paragraphs (1) to (3), inclusive, of subdivision (a) of Section~~
20 ~~221.61.~~

21 ~~SEC. 4.~~

22 ~~SEC. 3.~~ If the Commission on State Mandates determines that
23 this act contains costs mandated by the state, reimbursement to
24 local agencies and school districts for those costs shall be made
25 pursuant to Part 7 (commencing with Section 17500) of Division
26 4 of Title 2 of the Government Code.